IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.9346-M of 2007
Date of Decision:- 19.02.2007

Om Parkash & anr. ....Petitioner(s)

through
Mrs.Sarla Chaudhary, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioners, who are undergoing life sentence in a case under Sections 302, 326 etc. IPC, seek a direction to the respondents to release them on parole for a short duration to enable them to attend the marriage of son of brother of petitioner No.1. Petitioner No.2 is son of another brother of petitioner No.1. He obviously wants to be released on parole to attend the marriage of his cousin i.e. son of his father's brother.

Under Section 3 (1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner can be released on parole for his own marriage and also to attend the marriage of his son, daughter, grand-son, grand-daughter, brother, sister, sister's son or daughter. By giving a liberal and logical meaning to the aforesaid clause, it appears that if a prisoner can be released on parole to celebrate the marriage of the sister's son or daughter, on the same analogy, he can also be permitted to celebrate the marriage of his brother's son or daughter. Such a request of a prisoner would normally constitute a “sufficient cause” under Section 3 (1)(d) of the Act.

Consequently, this petition qua petitioner No.1 is allowed and a direction is issued to release him on parole on 20.2.2007 subject to his furnishing adequate bail bonds to the satisfaction of District Magistrate, Kurukshetra. Petitioner No.1 (Om Parkash son of Ayodha Parshad), however, is directed to surrender before the Jail Authorities on 27.2.2007 by 5.00 P.M.

So far as petitioner No.2 (Lokesh Goddu son of Dharam Pal) is concerned, let his request be placed before the Director General of Prisons, Haryana before 1.00 P.M. on 20.2.2007 and if he is satisfied that his case too falls within the ambit of "sufficient cause" under Section 3(1)(d) of the Act, in that event, petitioner No.2 shall also be released on parole on 20.2.2007 by 6.00 P.M. and he shall also be required to furnish adequate bail bonds to the satisfaction of District Magistrate, Kurukshetra. In such event, petitioner No.2 is also directed to surrender before the Jail Authorities on 27.2.2007 by 5.00 P.M.

This order, however, shall not be taken as a precedent as the observations made hereinabove are in the peculiar facts and circumstances of this case only.

Let a copy of this order, duly authenticated by the Bench Secretary be handed over to the learned State Counsel for information and necessary compliance.

February 19, 2007 **(SURYA KANT)**
poonam **JUDGE**